6/26/71

Dear Bud,

Discussing things of poetntial interest to the government in your office remains as effective as owning the headline on "The Pentagon Papers in DJ and elsewhere.

You will remember that on Tursday, 6/23, we discussed my filing several suits and testing whether failure to respond in itself is sufficient basis, and we decided to test this. Magic! Today, along with a letter mailed in New York City back in April and properly addressed, I got two denials from Kleindienst (one going back to December, one to March) and one from the Army, also December's request.

I will be addressing them as soon as I can, hopefully this weekend. However, there is another matter about which there is more immediacy.

I have had no word from the clerk of the court in response to my request for the forms for in forma pauperis. I did get a copy of the order Werdig drafted for Gesell, and I am handicapped by what I could not hear in court. It is my fear that Werdig & Co. may have stretched it a bit. I enclose the copy from Werdig for you to read and/or copy. I got it yesterdaty

I direct your attention to the language, "and it appearing to the Court that the provisions of the Public Information Act, 5 U.S.C.552 do not apply to the type of materials sought by plaintiff". Did Gesell say this? Could he and still have said that he had jurisdiction only under it, which I am sure he did? It is my impression that he used the family contract only, and then in the context that making and showing me copies complied with the contract and that the contract extempt the provisions of the act. Nothing about the "type of materials sought".

Perhaps I didn't understand Gesell, for I was not only nervous but also disturbed that he had cut me off before I finished the citation of statute I did not have at the time I filed the papers. But there is a big difference between the Werdig words in the order he drafted for the judge and holding the contract to be legitimate and complied with by the pormise to make the pictures for me.

On the latter point, it is over ten days since I wrote the Archives, which I did as soon as I got home 6/15, and there has been no response. I'd like to push them a bit. Can you send me the administrative-conference report you cited, or the relevant part? When I get it I'll write, and if I've not heard within a couple of days after I mail it, I think I'll write the judge, and include copies of today's response to December requests. With what has happened in the past 10 days, it might stir him a bit.

The Army says they do not have what I want re Powell, and nothing on me (but so worded to apply to a certain deposit or file). I thinknobody will believe them on either count, considering that when I was in the Army I was also in intelligence and the investigation was so detailed it took 3 weeks in wartime! The one we didn't mention, by the way, is the one that has not responded yet. Both of Kleindienst's are dated 25, by the typist. The Army's, by stamp, 22. I think the one we haven't heard from can be so simple a complaint that it can almsot say nothing, maybe 3-4 paragraphs. I haven't had a chance to draft anything ~~yesttt~~ yet.

cc Jim Lesar at home

Sincerely,